

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RONALD JASON,	§	
	§	
Petitioner,	§	
	§	
	§	CIVIL ACTION H-06-0948
	§	
NATHANIEL QUARTERMAN ,	§	
	§	
Respondent.	§	

MEMORANDUM, OPINION AND ORDER

The petitioner has not responded to the respondent's motion for summary judgment. The Court's order to answer required the petitioner to respond to any dispositive motion filed by respondent, including a motion for summary judgment, within thirty (30) days. (Docket Entry No. 4). The Court's order provided that "(f)ailure to file a response within thirty days shall result in the dismissal of this action for want of prosecution." The petitioner's failure to pursue this action forces this Court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* FED.R.CIV.P. 41(b); *Martinez v. Johnson*, 104 F.3d 769 (5th Cir. 1997) (affirming a dismissal for want of prosecution based on a habeas petitioner's failure to respond to a summary judgment motion as ordered by the district court). Dismissal is also

appropriate for failure to comply with a court order. The petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Fed.R.Civ.P. 60(b).

Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** for want of prosecution and for failure to comply with a court order. Any and all pending motions are **DENIED** as moot.

The Clerk will provide copies to the parties.

SIGNED at Houston, Texas, on this the 14th day of August, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE